

Objections to the proposed implementation of the rules enumerated in Localism Notice of Proposed Rulemaking MB Docket No. 04-233

We submit the following objections to the Localism Notice of Proposed Rulemaking (the "NPRM"), released Jan. 24, 2008, in MB Docket No. 04-233.

Any FCC rules, policies or procedures must not violate First Amendment rights specifically, in this case ***abridging the freedom of speech, or of the press;***

The proposals discussed in the NPRM, if enacted, would seriously hamper or make exercise of these rights so onerous, as to be effectively denied. Specific illustrations, and their ramifications, are now outlined.

(1) The FCC must not force radio stations, especially religious broadcasters, to take advice from people who do not share their values. The NPRM's proposed advisory board proposals would impose such unconstitutional mandates. Religious broadcasters who resist advice from those who don't share their values could face increased harassment, complaints and even loss of license for choosing to follow their own consciences, rather than allowing incompatible viewpoints to shape their programming. The First Amendment prohibits government, including the FCC, from dictating what viewpoints a broadcaster, particularly a religious broadcaster, must present.

(2) The FCC must not turn every radio station into a public forum where anyone and everyone has rights to air time. Proposed public access requirements would do so – even if a religious broadcaster conscientiously objects to the message. The First Amendment forbids imposition of message delivery mandates on any religion.

(3) The FCC must not force revelation of specific editorial decision-making information. The choice of programming, especially religious programming, is not properly dictated by any government agency – and proposals to force reporting on such things as who produced what programs would intrude on constitutionally-protected editorial choices.

(4) The FCC must not establish a two-tiered renewal system in which certain licensees would be automatically barred from routine renewal application processing. The proposed mandatory special renewal review of certain classes of applicants by the Commissioners themselves would amount to coercion of religious broadcasters. Those who stay true to their consciences and present only the messages they correspond to their beliefs could face long, expensive and potentially ruinous renewal proceedings.

(5) Many Christian stations, and smaller secular broadcasters, operate on tight budgets and the proposals would further squeeze these by substantially raising costs in two ways: (a) by requiring staff presence whenever a station is on the air and, (b) by further restricting main studio location choices. Rising costs with these proposals would lead to probable service cutbacks, with diminished service, highly detrimental to the public good.

Therefore, we request the FCC abandons the rules, procedures and policies discussed above.

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